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OFFICE OF PETITIONS

SMITHKLINE BEECHAM CORPORATION
CORPORATE INTELLECTUAL PROPERTY-US, UW2220
P. O. BOX 1539
KING OF PRUSSIA PA 19406-0939

In re Patent No. 7,612,183
Issued: November 3, 2009
Application No. 10/523,295
Filed: February 3, 2005
Attorney Docket No. PG4912

: DECISION ON REQUEST
: FOR RECONSIDERATION
: OF PATENT TERM ADJUSTMENT
: AND
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the REQUEST FOR RECONSIDERATION OF PATENT TERM UNDER 37 CFR §1.705(d) filed on December 18, 2009, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 244 days to 515 days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by five hundred fourteen (514) days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on February 3, 2008 and ends on December 2, 2008, the day before the RCE was filed, and the B delay considering the 33 days of overlap is 303 (not 304) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 514, not 515 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **five hundred fourteen (514) days**.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,612,183 B2

DATED : November 3, 2009

INVENTOR(S) : Ellis et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (244) days

Delete the phrase "by 244 days" and insert – by 514 days--

Day : Friday
Date: 3/26/2010

Time: 15:16:38

 PALM INTRANET**PTA Calculations for Application: 10/523295**

Application Filing Date:	02/03/2005	PTO Delay (PTO):	475
Issue Date of Patent:	11/03/2009	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	231
Post-Issue Petitions:	0	Total PTA (days):	514
PTO Delay Adjustment:	270		

File Contents History

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EXPLANATION OF PTA CALCULATION

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